

Permit Reform

PROBLEM STATEMENT

Legislation promoting environmental preservation, citizen involvement, and growth management has resulted in improvements in the quality of life, but has also left a legacy of complex regulations and permits.

At the federal level, the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act have had the most impact on major capital projects. The State Environmental Policy Act and the Growth Management Act deal with issues at the state level, and also allow local jurisdictions to adopt ordinances to protect critical areas.

When planning for projects, the type and timing of review at the local level can conflict with federal requirements for environmental review, making the process seem cumbersome, duplicative, and overly time-consuming. Critics of the existing system argue that there is an emphasis on procedure over substance; that environmental impact statements are used to justify a choice that has already been made; and that environmental review imposes increased costs and project delays. Also damaging is the perception of permitting and regulation as 'red tape,' a sign of government waste and inefficiency.

PROPOSED POTENTIAL SOLUTIONS

All proposed potential solutions stem from existing efforts to improve the planning and permitting process.

- **Better integration of NEPA/SEPA and planning process:** This could insure proper evaluation and could reduce the cost of state permits, as well as speed projects along, through a consolidation of environmental, land use, and growth management review, and issuance of programmatic permits rather than piecemeal permits as projects are developed.
- **Comprehensive and holistic planning:** WSDOT is working to coordinate its environmental mitigation programs with other federal, state, and non-governmental agencies as a means of forming a more comprehensive approach to mitigation. Also, WSDOT is doing watershed-based planning so that it may do permitting and environmental review from a holistic policy basis rather than on a project-by-project basis.
- **Increased staff in resource agencies:** Through interagency agreements with other state or federal agencies, WSDOT may be able to increase its environmental review staff and speed review.

- **Early stakeholder involvement:** A pilot project for SR 104 involves the creation of a steering committee for project decision making. Giving equal standing to all stakeholders (not just funding agencies) ensures early involvement and ‘buy-in’ of stakeholders.
- **Statutory and regulatory changes:** Minor statutory changes, such as standardization of public notification requirements, could result in a faster and fairer permitting process.

EVALUATION

The four criteria established for the evaluation of proposed solutions are whether the approach:

- helps make decisions that stick
- reduces permitting costs
- reduces the time for the permitting process
- reduces environmental impacts through better decision making.

It should be noted that these proposed solutions are incremental in nature, as they build upon existing reform efforts and do not call for wholesale change in the environmental review and permitting process.